



Attorney's Docket 018300-001349

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--|---|----------------|
| In re application of Christopher Tokarz et al. |) | |
| |) | |
| Application No. 10/708,807 |) | Examiner: |
| |) | |
| Filed: March 26, 2004 |) | Art Unit: 1742 |
| |) | |
| Title: Thermomechanical Processing Routes |) | |
| in Compact Strip Production of |) | |
| High-Strength Low-Alloy Steel |) | |
| |) | |

**DECLARATION AND STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47)**

Dear Sir:

This declaration and statement is being made by Matthew W. Witsil, the undersigned, as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application in response to a Notice to File Missing Parts dated May 21, 2004.

The undersigned has first hand knowledge of the facts recited herein.

The nonsigning inventor is Clinton Graham, whose last known address is:

9318 Monroe Court, Apartment 510
Crown Point, Indiana 46307

Mr. Graham is represented by counsel, and I was instructed by Mr. Graham's counsel to correspond with Mr. Graham through his counsel, with name and place of business address as follows:

Russell E. Adler
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, New York 10038

Circumstances surrounding Mr. Graham's refusal to sign at my request were initiated by letter dated March 22, 2004, which included a copy of the patent application and the declaration for signature. The March 22, 2004 letter is enclosed as Exhibit A, with a

copy of the Federal Express mailing label attached. This letter represents a bona fide attempt to present a copy of the application papers, including the specification, claims, drawings and declaration, to Mr. Graham for signature. The copy of the application papers was sent to Mr. Graham's attorney and receipt was confirmed.

Numerous attempts have been made through Mr. Graham's attorney to inquire about and obtain Mr. Graham's signature on the Declaration. Despite these attempts, no action has been taken by Mr. Graham. Such contacts were made by me by phone on or about March 19, 2004, and by email on March 19, March 25, April 9, May 17, May 28, June 10, and August 9, 2004. Mr. Graham's counsel on multiple occasions indicated that Mr. Graham would not sign the Declaration.

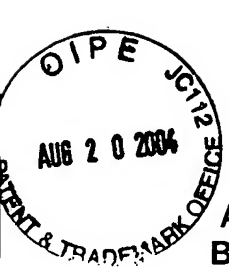
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 8/20/04

By: 

Matthew W. Witsil
Registration No. 47,183
Moore & Van Allen PLLC
2200 West Main Street, Suite 800
Durham, North Carolina 27705
Telephone: (919) 286-8000
Facsimile: (919) 286-8199



**ADDED PAGE TO DECLARATION FOR SIGNATURE BY JOINT INVENTORS ON
BEHALF OF NONSIGNING INVENTOR WHO REFUSES TO SIGN (37 CFR 1.47(a))**

- I. We are above named joint inventors and have signed this declaration on our own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Clinton Graham
Full name of nonsigning inventor who refuses to sign

USA
Country of Citizenship of nonsigning inventor

9318 Monroe Court, Apt. 510
Last known address of nonsigning inventor

Crown Point, IN 46307

- II. Accompanying this declaration is:

(1) A DECLARATION AND STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR

(2) THE PETITION FEE OF \$130.00 (37 CFR 1.17(I))

Christopher A. Tokarz Signed Copy Attached Date: _____

Anthony J. DeArdo Signed Copy Attached Date: _____

C. Isaac Garcia Signed Copy Attached Date: _____

**ADDED PAGE TO DECLARATION FOR SIGNATURE BY JOINT INVENTORS ON
BEHALF OF NONSIGNING INVENTOR WHO REFUSES TO SIGN (37 CFR 1.47(d))**

1. We are above named joint inventors and have signed this declaration on our own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Clinton Gordon
Full name of nonsigning inventor who refuses to sign

USA
Country of Citizenship of nonsigning inventor

2318 Monica Court, Apt. 510
Last known address of missing inventor

Crown Point, IN 46507

11. **Accompanying this declaration is:**

(1) A DECLARATION AND STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR

(2) THE PETITION FEE OF \$130.00 (37 CFR 1.17(i))

Christopher A. Tolocz

Anthony J. DeArdo

C. Isaac García

C. A. T. C. Date: Aug 12, 2004
C. A. T. C. Date: Aug. 11, 2004
C. A. T. C. Date: Aug. 11, 2004

Moore & Van Allen

**VIA FEDERAL EXPRESS
AIRBILL NO. 7925 9897 2073**

March 22, 2004

Russell E. Adler
Stroock & Stroock & Levan LLP
180 Maiden Lane
New York, NY 10038

**Re: Execution of Declaration and Assignment for U.S. Patent Application
"Thermomechanical Processing Routes In Compact Strip
Production of High-Strength Low-Alloy Steel"
Our Ref.: 018300-001349**

Matt Witsil
Registered Patent Attorney

T 919 286 8034
F 919 416 8334
mattwitsil@mvalaw.com

Moore & Van Allen PLLC

Offices:
Suite 800
2200 West Main Street
Durham, NC 27705-4658

Mailing Address:
Post Office Box 3843
Durham, NC 27702-3843

Dear Mr. Adler:

As we discussed, attached are the following documents for review and execution by your client, Mr. Clint Graham:

1. An Inventor's Declaration for execution.
2. An assignment document for execution.
3. The confidential patent application.

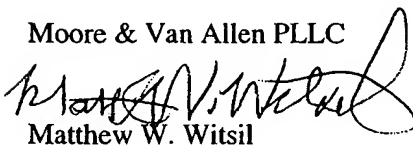
To sign the Declaration, Mr. Graham will need to review the application. A Declaration is normally required for filing an application. As I mentioned in our phone conversation, however, if he refuses to sign the Declaration, we will be able to proceed without him, but we would appreciate his counter-signing a letter documenting his refusal to sign. A copy of that letter is attached, in case it is needed.

The assignment document is not necessary for filing the application, but will properly reflect Nucor's ownership of the invention.

Once any documents are signed we would appreciate that they be sent to us via overnight delivery, or by fax (919-416-8334) followed by mail. Thank you for assistance.

Sincerely yours,

Moore & Van Allen PLLC



Matthew W. Witsil

Enclosures: Inventor's Declaration
Assignment Document
Confidential Patent Application
Letter for counter-signing, if necessary

From: Origin ID: (919)286-8000
Matthew W. Witsil
Moore & Van Allen PLLC
2200 West Main Street, Suite 800

Durham, NC 27705



Ship Date: 22MAR04
Actual Wgt: 1 LB
System#: 5053103/INET1800
Account#: S *****

REF: 018300-001349



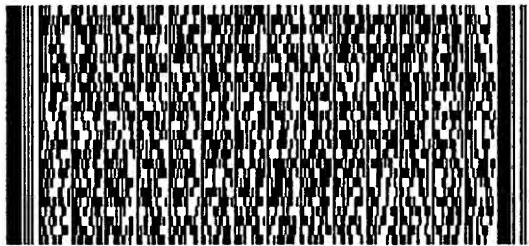
Delivery Address Bar Code

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RUSSELL A. ADLER
STROOCK & STROOCK & LEVAN LLP
180 MAIDEN LANE

BILL SENDER

NEW YORK, NY 10038

CL5031504



STANDARD OVERNIGHT

TRK# 7925 9897 2073

FORM
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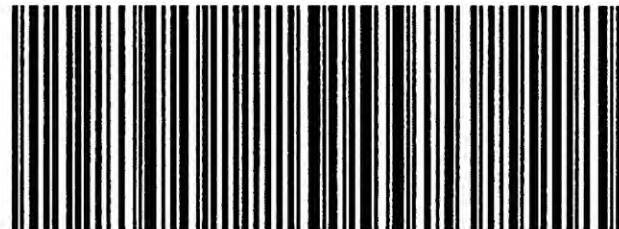
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